

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RILEY GAINES, *et al.*,)
Plaintiffs,) Case No. 1:24-cv-01109-MHC
v.)
NATIONAL COLLEGIATE ATHLETIC)
ASSOCIATION, *et al.*,)
Defendants.)

**PARTIES' JOINT MOTION REGARDING PLAINTIFFS' SECOND
AMENDED COMPLAINT**

Plaintiffs Riley Gaines, *et al.* (collectively, “Plaintiffs”), Defendants National Collegiate Athletic Association (“NCAA”) and the State Defendants¹ file this Joint Motion Regarding Plaintiffs’ Second Amended Complaint (“Motion”) requesting that the Court: (1) grant Plaintiffs’ leave to file their Second Amended Complaint [Dkt. 88-2], (2) deny the request in paragraph 8 of Plaintiffs’ Motion to Amend [Dkt. 88 ¶ 8], (3) find that the filing of Plaintiffs’ Second Amended Complaint moots

¹ The State Defendants consist of University System of Georgia, Georgia Institute of Technology, University of Georgia, University of North Georgia, Angel Cabrerra, Doug Aldridge, Tom Bradbury, Richard “Tim” Evans, W. Allen Gudenrath, Erin Hames, Barbara Rivera Holmes, Samuel D. Holmes, C. Thomas Hopkins, Jr., MD, James M. Hull, Cade Joiner, Patrick C. Jones, C. Everett Kennedy, III, Sarah-Elizabeth Langford, Rachel B. Little, Lowery Houston May, Jose R. Perez, Neil L. Pruitt, Jr., Harold Reynolds, Sachin Shailendra, T. Dallas Smith, Mat Swift, James K. Syfan, III, Don L. Waters, and John Does 26-50.

Defendants' earlier filed Motions to Dismiss [Dkts. 74, 75], and (4) extend the deadline for all Defendants to respond to the Second Amended Complaint to twenty-one (21) days after service of the Second Amended Complaint on newly added Defendant Georgia Tech Athletic Association, Inc.

In support of this Motion, the Parties state as follows:

1. On June 26, 2024, Plaintiffs filed their First Amended Complaint [Dkt. 64].
2. On July 24, 2024, Defendant NCAA and the State Defendants filed their respective Motions to Dismiss Plaintiffs' First Amended Complaint [Dkts. 74, 75].
3. On September 23, 2024, Plaintiffs filed their Motion for Leave to File a Second Amended Complaint for Damages, Declaratory, Equitable, and Class Relief ("Motion to Amend") [Dkt. 88], requesting leave to file a Second Amended Complaint [Dkt. 88-2].
4. Notably, in paragraph 8 of Plaintiffs' Motion to Amend, Plaintiffs requested the Court to grant their Motion to Amend and permit them to file a Second Amended Complaint without mooting the earlier filed Motions to Dismiss [Dkt. 88 ¶ 8].

5. Since the filing of Plaintiffs' Motion to Amend, the Parties have met and conferred about Plaintiffs' Motion to Amend and reached the following agreements:

- a. Defendant NCAA and the State Defendants do not oppose the filing of Plaintiffs' Second Amended Complaint [Dkt. 88-2]. Thus, pursuant to the allegations contained in the Second Amended Complaint and Rule 21, Defendants University System of Georgia, Georgia Institute of Technology, University of Georgia, and University of North Georgia will be dropped as parties, Georgia Tech Athletic Association, Inc. will be added as a new Defendant, and Brooke Slusser will be added as a new Plaintiff.
- b. Plaintiffs explicitly withdraw their request in paragraph 8 of their Motion to Amend, which requests that the Court grant their Motion to Amend without mooting the pending Motions to Dismiss [Dkts. 88 ¶ 8].
- c. The Parties agree that the Second Amended Complaint [Dkt. 88-2] supersedes the First Amended Complaint, and thus moots the pending Motions to Dismiss [Dkts. 74, 75].
- d. The Parties agree that the deadline for all remaining Defendants to respond to the Second Amended Complaint will be twenty-one (21)

days after service of the Second Amended Complaint on newly added Defendant Georgia Tech Athletic Association, Inc.

6. Granting the Parties' requests will not prejudice any party nor substantively delay the case, as the Court has not yet entered a scheduling order. In addition, the Parties believe that these agreements will be most efficient, avoid redundancy, and enhance clarity for the Court. Finally, with respect to the requested extension, the Parties believe that it would be most efficient for Court and all Parties to benefit from a single set of deadlines for Plaintiffs' Second Amended Complaint.

Therefore, the Parties respectfully request that the Court grant the relief requested by this motion. Per Section II(M) of this Honorable Court's Standing Order, a proposed Order is attached hereto as Exhibit A.

Respectfully submitted this 21st day of October, 2024.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, I hereby certify that this brief has been prepared in Times New Roman, 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1C.

/s/ Cari K. Dawson
Cari K. Dawson

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

This 21st day of October, 2024.

/s/ Cari K. Dawson
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